UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/357/Add.4 (Part I)
3 April 2001

ENGLISH
Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Ninth periodic reports of States parties due in 1999

Addendum

China*

[Original: Chinese]
[3 October 2000]

* This document contains the eighth and ninth periodic reports of China which were due on 28 January 1997 and 1999, respectively, submitted in one document. The information concerning the Hong Kong and Macau Special Administrative regions is contained in CERD/C/357/Add.4 (Part II). For the fifth to seventh periodic reports of China, submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/275/Add.2 and CERD/C/SR.1163-1164.

The information submitted by China in accordance with the guidelines for the initial part of the report of States parties is contained in HRI/CORE/1/Add.21/Rev.2.

The annexes to the report submitted by the Government of China may be consulted in the secretariat's files.

GE.01-41223 (E) 230501

CONTENTS

	Paragraphs	Page
Introduction	1 - 5	3
I. GENERAL INFORMATION	6 - 11	3
II. IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION	12 - 116	5
Article 2	12 - 42	5
Article 3	43 - 47	13
Article 4	48 - 53	13
Article 5	54 - 103	14
Article 6	104 - 109	24
Article 7	110 - 116	26

Annexes

I. Law of the People's Republic of China on the Autonomy of Minority Nationality Regions

II. Table of Minority Autonomous Areas

Introduction

1. In accordance with the provisions of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the People's Republic of China hereby submits to the Secretary-General of the United Nations in integrated form its eighth and ninth periodic reports on the implementation of the Convention.

2. Part I of this report deals mainly with the progress made by China in the implementation of the Convention during the period between 1996 and 1999.

3. China has resumed its exercise of sovereignty over Hong Kong and established the Hong Kong Special Administrative Region as from 1 July 1997. Part II of this report is devoted to the implementation of the Convention in the Hong Kong Special Administrative Region and has been prepared by the HKSAR Government.

4. China has resumed its exercise of sovereignty over Macau and established the Macau Special Administrative Region as from 20 December 1999. The implementation of the Convention in the Macau Special Administrative Region, prepared by the Macau SAR Government, is also contained in Part II.

5. This report has been prepared in conformity with the general guidelines regarding the form and contents of reports to be submitted by States parties, as adopted and amended by the Committee on the Elimination of Racial Discrimination.

I. GENERAL INFORMATION

6. The People's Republic of China is a unitary multinational State. According to the statistics of the Fourth National Census of China conducted in 1990, the Han people accounted for 91.96 per cent of the total national population while the other 55 ethnic groups together represented only 8.04 per cent. Among the minority ethnic groups, the bigger ones, a population of over 1 million, are Mongolians, the Hui people, Tibetans, Uygurs, the Miao people, the Yi people, the Zhuang people, Buyei, Koreans, Manchurians, the Dong people, the Yao people, the Tujia people, the Hani people, Kazaks, the Dai people and the Li people. As calculated on the basis of the 1995 sample survey of 1 per cent of the national population in China, the ethnic minorities amounted to 108,460,000 or 8.98 per cent of the total of over 1.2 billion in the country, up by 0.94 per cent relative to 1990. China is conducting its Fifth National Census in 2000.

7. The Government of China has adopted a more flexible family planning programme for minority groups. Furthermore, with the improvement of the people's living standards, the mortality rate has dropped steadily. As a result, the population of the minority groups has grown faster than that of the Han people since 1996. According to the statistics of the relevant department, by the end of 1998 the growth rate of the minority population in the 155 autonomous areas had reached 5.5 per cent above that of 1995, while the rate for the national population was only 2.6 per cent.

8. Since 1996, the Government of China has continued to implement a series of core policies on ethnic affairs which include promoting equality and unity among all ethnic groups, practising regional autonomy in areas heavily inhabited by minority people, and pursuing common prosperity for all ethnic groups. Efforts have been intensified to improve the ethnic-related legal system so as to help and support minority people. The right of minority people to equality and regional autonomy has been fully ensured to them. The economic, cultural, educational and other social undertakings of the minority people and autonomous regions have developed rapidly.

9. Article 4 of the Constitution of China provides that "all nationalities in the People's Republic of China are equal" and that "discrimination against and oppression of any nationality are prohibited". According to these provisions, all laws, statutes and regulations in China are to embody the spirit of equality among all ethnic groups and should not contain anything that might lead to racial discrimination or oppression. The national and local legislative bodies have enacted a series of laws, statutes and regulations to protect the rights of minority people and promote their development in the light of the special conditions and needs of the minority people and the autonomous regions, or have added articles to the existing comprehensive laws and regulations to that effect. Such laws, regulations and provisions are called ethnic-related laws and regulations. In short, minority people have enjoyed full protection by both the general laws of the State and by the ethnic-related laws and regulations in the legal structure of China.

10. The ethnic-related laws and regulations have already constituted a legal system in China, which is made up by the following:

(a) Provisions concerning minority people in the Chinese Constitution;

(b) The basic laws pertinent to minority people and provisions of other relevant laws adopted by the National People's Congress, such as the Law of the People's Republic of China on the Autonomy of Minority Nationality Regions and the relevant provisions contained in the General Principles of the Civil Law of the People's Republic of China, the Marriage Law of the People's Republic of China, the Criminal Law and the Criminal Procedure Law;

(c) Ethnic-related laws and provisions contained in other laws adopted by the Standing Committee of the National People's Congress, such as the Law of the People's Republic of China on Higher Education and the Law on Township Enterprises;

(d) Ethnic-related administrative statutes and regulations and the relevant provisions of other general regulations formulated by the State Council, such as the Rules and Regulations on Administrative Work in Townships Inhabited by Ethnic Minorities and the Regulations on Ethnic-related Work in Urban Areas to protect the rights and interests of minority people;

(e) Ethnic-related departmental rules and regulations and the relevant provisions of general regulations enacted by ministries and State commissions under the State Council, such as the Regulations on the Registration and Administration of Marriage adopted by the Ministry of Civil Affairs;

(f) Ethnic-related local statutes and regulations and ethnic-related provisions of general statutes and regulations adopted by the people's congresses, their standing committees and the people's governments at the provincial, autonomous regional or municipal level, such as the Regulations on the Protection of the Rights and Interests of the Minority People of Jiangsu Province and the Regulations on Ethnic Affairs in Urban Areas of Heilongjiang Province;

(g) Ethnic-related local statutes and regulations and the relevant provisions of general statutes and regulations adopted by the people's congresses, their standing committees and the people's governments of the capital cities of the provinces, autonomous regions or bigger cities as designated by the State Council, such as the Regulations on the Protection of the Rights and Interests of the Minority People of Harerbin City; and

(h) Regulations on autonomy and single-purpose regulations enacted by the people's congresses of autonomous regions and amended rules and regulations to accommodate certain specific local conditions with the authorization of the relevant laws, such as the Regulations on the Protection and Administration of the Historical and Cultural City of Jianshui formulated by the Honghe Hani and Yi Autonomous Prefecture of Yunnan Province and the Amended Provisions concerning the Implementation of the Regulations on Family Planning of Gansu Province formulated by the Sunan Yugu Autonomous Prefecture of Gansu Province.

11. In the ethnic-related legal system of laws, statutes and regulations, the Constitution is the fundamental law of the State and has supreme legal authority. In order of their legal force, the Constitution ranks first, and then come the basic laws, laws other than basic laws, administrative statutes, departmental regulations and local laws, statutes, autonomous regulations and single-purpose regulations and rules and regulations of local governments.

II. IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

12. It is provided as follows in the Constitution of the People's Republic of China: "All nationalities in the People's Republic of China are equal. The State protects the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality or instigation of division are prohibited." All these provisions have continued to be implemented since 1996.

13. According to the Basic Law of the National People's Congress of the People's Republic of China, the Basic Law of the State Council and the Basic Law of the Local People's Congresses and Local People's Governments, the local people's congresses and people's governments at all levels shall exercise the functions of "safeguarding the right of minority people to equality and regional autonomy".

14. According to article 7 of the Basic Law on Villagers' Committees promulgated in November 1998, "in a village where people from more than one ethnic group live, the villagers' committee shall help villagers understand the importance of enhancing unity, mutual respect and mutual assistance among the ethnic groups and give them guidance in this respect". Paragraph 2

of article 9 of this Law provides that "the membership of a villagers' committee shall consist of an appropriate number of women" and that "in a village where people from more than one ethnic group live, it shall include a member or members from the ethnic group or groups with a smaller population". Article 12 stipulates that "any villager who has reached the age of 18 shall have the right to vote and stand for election, regardless of his ethnic status, race, sex, occupation, family background, religious belief, education, property status and length of residence, except for persons who have been deprived of political rights in accordance with law".

15. According to the provisions of the Interim Regulations on the Registration and Administration of Non-public and Non-enterprise Entities and the Regulations on the Registration and Administration of Associations, both promulgated by the State Council in October 1998, non-public and non-enterprise entities and associations "shall abide by the Constitution, laws, regulations and policies of the State, shall not oppose the basic principles enshrined in the Constitution, shall not endanger the reunification and security of the country and unity among all ethnic groups, and shall not infringe the interests of the State, society and the public, shall not impair the lawful rights and interests of other organizations or citizens, and shall not breach any social ethics or morals.

16. Article 4 of the Regulations on the Administration of Recreational Facilities promulgated by the State Council in March 1999 contains the following provisions: "The State encourages and promotes fine national culture" and prohibits any activities that might lead to national division, offend the customs and habits of minority people or undermine national unity in recreational places.

17. Under article 32 of the Regulations on the Administration of Radio and Television issued by the State Council in August 1997, broadcasting and television stations should not produce or broadcast any programmes including anything that incites national division and undermines national unity.

18. According to the provisions of article 22 of the Regulations on the Administration of Commercial Performing Activities issued by the State Council in August 1997, the State prohibits any performing activities that might contain anything to incite national division, offend the habits and customs of minority people or undermine national unity.

19. It is the consistent and principled position of the Government of China to adopt special policy measures to facilitate and support social, cultural, economic and other development for minority people and minority areas with a view to common prosperity for all ethnic groups of people in China. In this context, the Eighth National People's Congress adopted, at its fourth session in 1996, the Ninth Five-Year Plan for National Economic and Social Development and Long-Range Objectives until 2010. This document specifically emphasizes the necessity of introducing special measures to support the development of the central and western part of China, where there is a greater concentration of minority communities. These measures include:

(a) Giving priority to resources development projects and infrastructure projects in the central and western part of China. The Central Government would increase investment in resources development projects in the central and western part of China that may serve as

national bases for resources development. The bulk of the investment needed for the construction of the key trans-regional infrastructure projects in energy, transportation and telecommunications would come from the Central Government;

(b) Intensifying efforts for the exploration of mineral resources in minority areas, rationalizing the prices for resources-based products and enhancing the self-development capabilities of these areas;

(c) Implementing the payments transfer system according to the regulations concerned and gradually increasing financial support to these areas. With the development of the national economy and an increase in national financial capabilities, there would be a steady expansion of the financial support to the central and western part of China;

(d) Accelerating reform and opening-up in these areas and encouraging foreign investors to invest more in these areas. The State would increase the percentage of the policy-based loans to these areas and channel more than 60 per cent of the loans granted by international financial institutions and foreign Governments to these areas;

(e) Giving greater support to poverty-stricken areas and helping the economic development of the areas heavily inhabited by minority people. The State would continue to organize various forms of assistance by national departments, the general public and coastal areas in the east to construction projects in Tibet and other minority areas;

(f) Enhancing economic and technical cooperation between coastal areas in the east and the central and western part of China, and encouraging the former to invest more in the latter.

20. The State Ethnic Affairs Commission, among other ministries and State commissions under the State Council, is the competent department in charge of ethnic affairs. After the institutional reform of the State Council in 1998, the State Ethnic Affairs Commission has the following main functions and powers:

(a) To study the conditions of minority people in the whole country, draft or prepare laws, regulations and statutes to protect the right of minority people to equality and improve the ethnic-related legal system;

(b) To conduct publicity and education in ethnic-related policies and laws and regulations, as well as supervise their implementation;

(c) To supervise the implementation of the regional autonomy system in minority areas and improve the system;

(d) To analyse economic performance in the minority areas and propose special policies and measures to promote the economic development of these areas;

(e) To study the special problems that minority people may encounter in education, culture, public health, the press, publishing and other areas under the guidance of the relevant policies and principles formulated by the Central Government, and propose special policies to address these problems.

The State Ethnic Affairs Commission should be headed by a citizen of a minority ethnic group.

21. The National Working Conference on Ethnic Affairs was held in Beijing in September 1999. A decision was made at the Conference to speed up the development of minority people and the areas heavily inhabited by them and to implement the strategy of vigorously developing China's west. The Central Government would have the following main objectives:

(a) To give stronger support to minority areas and attract more investment, technologies and professionals from both home and abroad through policy guidance for the development of these areas;

(b) To help minority areas particularly with major infrastructure projects concerning water conservancy, transportation, telecommunications and energy, projects that would have a major impact on their economic development;

(c) To speed up the all-round development of minority people and minority areas in the context of the "develop the west" strategy and make greater efforts to develop the infrastructure in these areas, particularly the transportation system;

(d) To accelerate the construction of railways in Xinjiang, Tibet and border areas in China's south-west and north-east, extend the national highway network to cover more minority areas, and develop a three-dimensional transportation network consisting of waterways, air routes and pipelines in the light of local conditions;

(e) To accelerate industrial restructuring and develop distinctive local economies;

(f) To intensify poverty-alleviation efforts in the poverty-stricken areas heavily inhabited by minority people;

(g) To increase technological input in minority areas, promote technical transfer to them, and help them enhance their capabilities for commercialization of new scientific and technical achievements and for technical innovation;

(h) To speed up the development of medical undertakings and improve the health of minority people; and

(i) To vigorously develop minority cultural undertakings, protect and tap minority cultural resources, and pass on and carry forward the fine cultural traditions of minority people in the spirit of the times.

22. According to the provisions of article 8 of the Law of the People's Republic of China on Higher Education adopted by the Standing Committee of the Ninth National People's Congress at its fourth session in August 1998, the State, in light of the characteristics and needs of ethnic groups, assists and supports the development of higher education in regions inhabited by ethnic people for the purpose of training senior specialists among them. Article 9 of the Law stipulates that "citizens shall, in accordance with law, enjoy the right to higher education" and that "the State shall take measures to enable students who come from ethnic groups and students who have financial difficulties to receive higher education".

23. Article 7 of the Law of the People's Republic of China on Vocational Education promulgated in May 1996 provides that the State shall adopt measures to develop vocational education in rural areas and provide support and assistance to areas inhabited by minority people and outlying and poverty-stricken areas.

24. Article 6 of the Law of the People's Republic of China on Township Enterprises promulgated in October 1996 stipulates that the State shall encourage and largely help the economically underdeveloped areas and areas inhabited by ethnic minorities to develop township enterprises, and encourage township enterprises and other economic organizations in economically developed areas to support, by various means, the economically underdeveloped areas and areas inhabited by ethnic minorities in their efforts to run township enterprises. Article 19 of the said Law provides that "the State shall apply a preferential policy of taxation, for a certain period of time and in the light of different circumstances, with regard to small and medium-sized township enterprises" in minority areas, outlying border areas and poverty-stricken areas.

25. According to article 6 of the Law of the People's Republic of China on Promoting the Transformation of Scientific and Technological Achievements adopted by the Standing Committee of the Eighth National People's Congress at its nineteenth meeting in May 1996, "the relevant departments under the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall give first priority and assistance to projects to help accelerate social and economic development in areas inhabited by minority nationalities and outlying and poverty-stricken areas".

26. The State Development Planning Commission has given favourable consideration to minority areas in terms of planning, policies, investment and projects. In order to achieve the objectives for social progress as set forth in the Ninth Five-Year Plan (1996-2000) in terms of compulsory education and basic health care, the State Development Planning Commission has identified the poor central and western parts of China and especially minority areas, as priority areas for planning and investment. According to incomplete statistics, about 80 per cent of State investment to subsidize local social undertakings during the Eighth Five-Year Plan and Ninth Five-Year Plan periods was channelled by the State Planning Commission to poor areas in central and western China and minority areas. Moreover, this percentage has continued to rise.

27. The State Development Planning Commission has set up a special national fund for a poverty alleviation project for education. Its main purpose is to finance the construction of primary schools in the 10 minority rural areas in south-western and north-western China. In the past five years, the State Planning Commission has made about 1.5 billion yuan available for the

construction of educational, cultural, health-care and broadcasting facilities at the provincial, prefecture and county levels. This has contributed effectively to social progress in the minority areas.

28. In 1999, the State Development Planning Commission and the State Administration of Radio, Film and Television jointly launched a project for "ensuring every village access to broadcasting and television programmes". The objective of this project is to enable all administrative villages in China, particularly those in minority areas, to have access to radio and television programmes by the year 2000. The State Planning Commission has also set up a special fund for the construction of county hospitals in poverty-stricken areas. A considerable number of poor counties have a high concentration of minority people. Therefore, this special fund for hospital construction will help to enhance the medical facilities for minority people and furthermore improve their health.

29. The State Economic and Trade Commission has given priority to the economic development of minority areas. Between 1995 and October 1999, it appropriated a total of 90 million yuan to Inner Mongolia, Guangxi, Tibet, Xinjiang, Guizhou, Yunnan, Qinhai and the Tibetan areas in Sichuan Province, and granted loans totalling as much as 150 million yuan to these regions. In addition, it has given some policy incentives to the central and western part of China, especially the areas heavily inhabited by minority people, for technical upgrading, technological innovation and comprehensive utilization of natural resources.

30. The Ministry of Science and Technology has given increasingly more policy incentives to China's west (and particularly to minority areas). In this context, it has supported the Inner Mongolia Autonomous Region in its efforts to establish a rare earth high-technology development zone. It has helped the Xinjiang Uygur Autonomous Region with its experiment on large-scale bumper cotton harvests and with the development of cotton-picking machines. It has assisted the Guangxi Zhuang Autonomous Region in its research on dairy buffaloes and the commercial production of buffalo milk. It has supported the Ningxia Hui Autonomous Region in its efforts to develop the technology for artificial cultivation of bezoar and water-saving farming. The Ministry has obtained equipment for scientific research and technical innovation worth over 20 million yuan from provincial and municipal science and technology committees all over China for the Tibetan Autonomous Region.

31. The Railway Ministry has helped minority areas to speed up the construction of their railway networks. In recent years, the Ministry has built five railway trunk lines in the central and western part of China, where there is a high concentration of minority communities, with an overall length of 3,776 kilometres and at a total investment cost of 34 billion yuan.

32. The Ministry of Agriculture has vigorously supported infrastructure development for farming in minority areas. During the period between 1995 and 1998, the Ministry allocated a total of 440 million yuan specifically for agricultural infrastructure development in the five autonomous regions of Inner Mongolia, Guangxi, Tibet, Ningxia and Xinjiang, 25 autonomous prefectures and 84 autonomous counties. These investments have been used mainly for the establishment of the commercial grain, cotton, edible oil and sugar bases, a technical support system for farming and animal husbandry, rural energy and other projects.

33. The competent central government departments have always attached great importance to the development-based poverty-alleviation endeavour in minority areas and have adopted a series of preferential policies to facilitate this programme. According to incomplete statistics, the State invested a total of 16.9 billion yuan for the poverty-alleviation programme in 267 poor minority counties during the period between 1996 and 1998 alone, accounting for 45 per cent of total investment in the programme. The poverty-stricken population in the five autonomous regions of the country and the three provinces of Qinhai, Guizhou and Yunnan with a high concentration of minority communities had dropped from 15.6 per cent in 1995 to 9.7 per cent by the end of 1999. The net per capita income of farmers in the poverty-stricken counties of the above-mentioned regions and provinces increased from 630 to 1,189 yuan during the same period, their growth rate being 28.7 per cent higher than that of the 592 poor counties in the whole country on average.

34. The Ministry of Culture has done a great deal to help minority people inherit and develop their traditional cultures. From 1992 to 1999, the Ministry and other relevant departments of the country invested 83 million yuan in the development of ethnic cultural undertakings in border areas with a high concentration of minority communities. In addition, local governments at various levels invested about 0.8 billion yuan in the construction or refurbishment of 1,050 public cultural facilities with a total area of 400,000 m^2 in border areas with a high concentration of minority people. Since 1994, the Ministry of Culture has allocated an accumulative sum of 6.85 million yuan for the construction of 36 cultural facilities in Tibet.

35. In 1994, the Central Government reformed the financial management system and instituted a system of tax sharing between the central and local authorities. However, all the existing preferential financial policies for minority areas have remained unchanged. Since 1995, the Central Government has adopted preferential policies for the five autonomous regions, including Tibet and the minority autonomous prefectures in Yunnan, Guizhou, Qinhai and other provinces. Government subsidies to these regions or prefectures have increased steadily with the growth of national finance. In 1998 alone, such subsidies by the Central Government to the five autonomous regions and to Guizhou, Yunnan and Qinhai provinces with a higher concentration of minority communities amounted to 2.9 billion yuan, or 48 per cent of the country's total.

36. In June 1997, the Central Government introduced another preferential policy to facilitate the production and trading of commodities by minority people. Following this policy, the People's Bank of China was to make 100 million yuan in loans available each year between 1996 and 2000 for the construction of trading centres and for technical upgrading of the designated minority people production enterprises, and the State-owned minority people trading enterprises and their supply and marketing cooperatives below the county level were to be exempted from value-added taxes.

37. In 1996, the Central Government called on the 9 developed coastal provinces and municipalities directly under the Central Government and 4 large cities to help 10 poor provinces and autonomous regions in China's west. The developed provinces, municipalities and cities have together contributed over 1 billion yuan in cash and in kind to the poor provinces and autonomous regions over the past three years and participated in 2,074 cooperation projects in the latter with a total investment of about 4 billion yuan.

38. Economic and social undertakings in minority areas have continued to develop and flourish, thanks to the tenacious efforts of the ethnic minority people themselves and to the wholehearted support of the Central Government and other brotherly ethnic groups. Calculated on the basis of 1990 constant prices, the total value of the local industrial and agricultural output of the autonomous regions reached 182,187,000,000 yuan in 1998, up by 29 per cent over that of 1995. The total output value of agricultural, forestry, animal husbandry and fishing produce amounted to 581,646,000,000 yuan, up by 23 per cent; and that of industrial products reached 399,477,000,000, up by 32 per cent. Total retail sales of consumer commodities reached 233,210,000,000 yuan in autonomous areas in 1998, up by 37.8 per cent over that of 1995.

39. Fiscal revenue has continued to grow in the autonomous areas. According to statistics for 1998, the local fiscal revenue of the autonomous areas reached 39.9 billion yuan and their fiscal expenditures totalled 86.8 billion yuan, up by 61 per cent and 46 per cent respectively over 1995. Since 1995, the local inhabitants in these areas have enjoyed an ever-higher income. The average per capita income for farmers in these areas was only 945 yuan in 1995 and the figure increased to 1,633.10 yuan in 1998. Likewise, average wages for employees of enterprises in cities and towns as well as government institutions in autonomous regions were 4,559 yuan in 1995 and increased to 6,243 in 1998. As a result, the savings of both rural and urban residents have kept increasing in these areas, to 239,090,000,000 yuan by the end of 1995 and 393,270,000,000 yuan in 1998.

40. Local governments in the autonomous areas at various levels have over the years earnestly implemented the principles of consolidation, substantiation and development, and worked hard to improve educational conditions and raise the quality of education. Consequently, educational undertakings in these areas have prospered and developed in a coordinated manner. Primary schools in the autonomous areas had 20,307,000 pupils in 1998, up by 7.5 per cent over 1995, with teaching staff of 878,000, up by 2.3 per cent. Secondary schools had 8,678,000 pupils in 1998, up by 12.5 per cent compared with 1995, with teaching staff of 528,000, up by 8 per cent. Institutions of tertiary education had 221,000 students, an increase of 18.8 per cent over 1995.

41. Radio, television and publishing undertakings in the autonomous areas have also witnessed continued development over the years. In 1998, there were 261 radio stations with 377 programmes in these areas. These figures had risen by 5.7 per cent and 43.9 per cent respectively, over those of 1995. The number of television stations in these areas was 225 in 1998 broadcasting 498 programmes. This represented a 9.2 per cent and 40.7 per cent growth rate respectively, over 1995. There were 16,072 television launching stations and transmission stations, and 53,432 ground stations for satellite television programmes in 1998, up by 199 per cent and 265 per cent, respectively, over 1995. As for publishing, a total of 10,154 categories of books in 490 million copies, 542 kinds of magazines in 80 million copies, and 293 newspapers with over 1 billion issues were published in 1998.

42. Rural and urban residents in the autonomous areas have enjoyed much better health care in recent years. All the capitals of the autonomous regions now have a fairly large comprehensive hospital, almost all autonomous prefectures and counties have a hospital, an epidemic prevention station or women and children's health care centre; and most pastoral areas

and villages have health stations. A large number of village doctors, medical workers and midwives have been trained. By 1998, there were 16,700 medical institutions with 393,000 beds and 629,000 medical workers.

Article 3

43. China opposes and sternly condemns racial segregation and racial discrimination. It prohibits all laws and policies that are discriminatory in nature and bans all publicity for and acts of racial segregation or discrimination. Article 4 of the Constitution stipulates that "any act which undermines the unity of the nationalities or instigates division is prohibited". Article 9 of the Law on Regional Autonomy also provides that "the competent authorities of the State and organs that exercise autonomy in autonomous areas should prohibit any act that undermines national unity and creates national division".

44. All representatives of China at meetings of the United Nations Commission on Human Rights have voiced China's support for activities to mark the tenth anniversary of the fight against racism and racial discrimination, and its opposition to all forms of racism, racial discrimination, racial superiority and racial intolerance.

45. As a contracting party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, China has always strictly fulfilled its obligations under the Convention and followed a policy of refraining from having diplomatic, consular, political or cultural relations with Governments that practise racial discrimination and racial apartheid.

46. In 1990, China established diplomatic ties with Namibia after the end of colonialism and racist rule there. In May 1996, President Jiang Zemin of the People's Republic of China visited Namibia and spoke highly of the special contribution that Namibia had made to the elimination of racist rule. China-Namibia relations have since developed further.

47. China had always sympathized with and supported the South African people in their struggle for racial equality. The Government of China has supported and helped the just struggle of the South African people against apartheid under the leadership of the African National Congress. Ever since the birth of the new South Africa, there have been frequent exchanges of visits and a rapid development of economic cooperation and trade between the two countries. In December 1997, the Governments of China and South Africa decided to establish diplomatic relations at ambassadorial level as of 1 January 1998.

Article 4

48. China prohibits any organization or individual from propagating racial discrimination or inciting ethnic enmity. There is no organization in China that propagates racial discrimination or the superiority of any people. In March 1997, the fifth session of the Eighth National People's Congress adopted the Criminal Law of the People's Republic of China, as amended, and it has been in force since 1 October 1997. Article 249 of the Law reads: "Whoever incites national enmity or discrimination shall, if the circumstances are serious, be sentenced to fixed-term

imprisonment for not more than three years, or to criminal detention, public surveillance or deprivation of political rights. If the circumstances are especially serious, he or she shall be sentenced to fixed-term imprisonment of more than three years and not less than ten years".

49. Article 250 of the Law as amended stipulates: "When a publication carries an article designed to discriminate against or humiliate an ethnic group, if the circumstances are flagrant and the consequences are serious, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years or to criminal detention or public surveillance".

50. In recent years, the State Council of the People's Republic of China, in its newly promulgated decrees such as Administrative Regulations on Entertainment Facilities, Administrative Regulations on Registration by Social Groups, Administrative Regulations on Radio and Television and Administrative Regulations on Commercial Artistic Performances, has reaffirmed its ban on the propagation of ethnic discrimination or acts damaging unity among nationalities in social group activities, radio and television programmes or artistic performances. For detailed information, please refer to paragraphs 15-18 of this report.

51. In January 1996, it was reported that in a book entitled *China's Surnames and Names* issued by the Shanxi People's Publishing House there were portions that insulted and hurt the feelings of ethnic minorities believing in Islam. On learning this, the Bureau of Minority Religions and Bureau of News Media and Publications of that province treated the case in a serious manner, requiring the publishing house in question to surrender all the books already in print and had them destroyed. In addition, the editor in charge of that book was relieved of his post.

52. In September 1997, in Xiangfan city, Hubei Province, one businessman, motivated by huge profit, distorted and discredited the wedding customs of the Hui nationality in his pharmaceutical advertisements. The commercials caused strong feelings among the people of Hui nationality. In December, the person, found guilty by the local court through due process, was given a three-year term of imprisonment in accordance with the law.

53. In January 1999, a film entitled *Six-Bend Mountain* broadcast by China's Central Television hurt the feelings of some worshippers owing to its improper screenplay. The film was banned from further screening after a decision taken by the agency concerned.

Article 5

54. Under the Chinese Constitution and relevant basic laws, all Chinese citizens, regardless of their nationality, gender, social backgrounds or religion, enjoy equal rights and duties. For further information about specific laws and regulations relating to citizens' political, economic, social and cultural rights, see the previous seven reports submitted by China.

55. Since 1996, the State has continued to adopt special measures in its effort to safeguard the right of minority nationalities to take part in the conduct of public affairs. In accordance with the relevant provisions of the Electoral Law, each ethnic minority has the right to elect its

delegates to the National People's Congress (NPC). Of all the delegates elected to the Ninth NPC in 1998, 428 were members of minority nationalities, accounting for 14.37 per cent of the total 2,979 delegates, up 5 per cent in terms of their population relative to China's total population over the same period.

56. In each people's congress (PC) at various levels all ethnic minorities living in their separate communities are represented in local PCs. By way of example, the current (Ninth) PC in the Xingjiang Uygur Autonomous Region has 542 delegates and 357 of them, or 66 per cent of the total number of delegates, are from ethnic minorities. That number is over 4 per cent more than their proportion of 61.42 per cent in the total population of the region.

57. The current PC in the Zhuang minority autonomous region of Guangxi Province has 688 delegates, 316 of them or 45.93 per cent representing ethnic minorities, which is 8 per cent more than their proportion of 38 per cent in the total population of that province.

58. Thanks to the great efforts by the State to train and employ cadres of minority nationalities, there are a fairly large number of minority members working with the central and local State organs of power, administrative departments, trial organizations and prosecutorial organs and taking part in the management of State and local affairs. Of all the vice-chairpersons of the NPC Standing Committee elected at the first session of the Ninth NPC of China, ethnic minorities account for 21 per cent. Of all the vice-chairpersons of the China People's Political Consultative Conference, minorities account for 9.6 per cent. One of the leading members of the State Council comes from an ethnic minority. In the State Council's component departments, two ministers or commission chairpersons are ethnic minority members. Such persons also head 155 autonomous localities, including prefectures, counties and banners.

59. In order to make even more strenuous efforts to train cadres of minority nationalities, since 1990 the State has begun the annual practice of selecting a group of persons from ethnic cadres at grass-roots level to work with various ministries and commissions, major cities and key State-owned enterprises for a certain period with a view to their acquiring advanced managerial know-how. Over the years, there has been a growing number of on-the-job trainers. In 1999 alone, there were over 200 persons from 31 minority nationalities.

60. As in other regions, in the Tibetan Autonomous Region, citizens from the age of 18 years enjoy the right to vote and stand for election in accordance with the law regardless of their nationality, race, sex, occupation, family background, religion, education and property as well as length of residence. They directly elect delegates to the county, district, village or township people's congress and those delegates in turn elect delegates to the people's congress at national level and at the level of the autonomous region and city. The people exercise their right to governance through the people's congress at various levels.

61. According to statistical data, of all the delegates in the NPC, 19 come from the Tibetan Autonomous Region (TAR). Tibetans and delegates representing other minority nationalities account for 80 per cent of all NPC delegates. They also account for 82.44 per cent of 450 delegates in people's congresses of various autonomous regions.

62. Again, as indicated by data for 1998, of all the cadres in the TAR, 49,851 are Tibetans and other members of ethnic minorities, accounting for 74.1 per cent of the total, with Tibetans and other ethnic minority members occupying 71.4 per cent of the posts of chairperson or vice-chairperson of PCs in the autonomous regions, 80 per cent of PC standing committee membership of the TAR and 77.8 per cent of the posts of TAR president and vice-president. The professional experts of these nationalities also accounted for 69.36 per cent of the total number of professional experts in the region as a whole.

63. Since 1996, the grass-roots democratic political mechanism has made remarkable progress in China's countryside. Self-government in the form of democratic election, democratic decision-making, democratic governance and democratic supervision has been in practice in China's countryside, including the villages where minority nationalities live. In conformity with the principles of universality, equity and fairness, the chairperson, vice-chairperson and members of the village committees are directly elected by the villagers having the right to vote through secret ballot, based on more candidates, and they are subject to dismissal by the villagers through statutory procedures. All important matters involving the interests of the villages should be discussed and decided at a meeting or congress of the villagers. In November 1998, the NPC Standing Committee passed the Law on the Organization of Villager Committees, as amended, thereby providing strong legal protection for a better villager self-government system, building up grass-roots democracy in rural areas and safeguarding the right of the masses to exercise directly their democratic rights.

64. As of 1996, autonomous legislation in China's ethnic regions has continued to be enhanced. A revision of the Law on Self-Government in Ethnic Regions is under way. By the end of 1999, a total of 129 self-government regulations, 209 separate regulations and 64 provisions adapting and supplementing the law in various places of ethnic self-government were made. In the spirit of the Law on Self-Government, these new self-government regulations and separate regulations protect ethnic minorities in exercising their right of self-government and citizens of all nationalities in enjoying equal political, economic, cultural and social rights. As stipulated in the Provisions for Self-Government in the Li and Miao Nationalities Autonomous Counties of Qiongzhong, approved by Hainan Province in May 1999, "Citizens of Li and Miao nationalities are to be represented in the composition of the autonomous county people's government, and the chairperson of the county that implements local autonomy shall be of Li or Miao nationality"; "various enterprises formed in the autonomous county shall employ a certain proportion of ethnic minority members through job recruitment". It is further stipulated that the autonomous county "shall arrange and manage local economic construction affairs on its own", and "shall have the sovereign right to manage its own finances", "make plans for the development of education, science and technology, culture, arts, health care, sports, etc. in the autonomous county on its own, taking into account the characteristics of the ethnic minority and the locality, and shall be responsible for implementing and upgrading the cultural and scientific capabilities and health of citizens of all nationalities".

65. In 1997, as stipulated in the Provisions on Education of the Hui Nationality Autonomous Prefecture in Linxia, adopted by Gansu Province, "schools at different levels within the autonomous prefecture shall regard the enrolment and training of ethnic minority students as its priority task. Within the prefecture, elementary and middle schools, normal schools and

technical schools suited to ethnic minority students shall be established", and "ethnic minority students in elementary and middle schools shall be exempted from miscellaneous school and textbook fees"; "vocational schools and technical schools shall pursue a policy of student enrolment, taking into account the proportion within the population of each nationality, and select only the best ones".

66. In 1998, Sichuan Province enacted the Provisions on Use of the Tibetan Language and Characters in the Tibetan Nationality Autonomous Prefecture of Ganzi, in which it is laid down that "Tibetan is the primary language in the exercise of regional autonomy in the prefecture". Learning, using and developing the Tibetan language is one of the essential tasks of the prefecture. State organs at various levels in the prefecture shall apply the principle that "All languages and alphabets are equal, thus safeguarding the freedom of ethnic minority citizens to use and develop their own languages and alphabets in all social activities, including politics, the economy and culture"; "State organs at various levels in the prefecture shall use the Tibetan and Chinese languages and alphabets in discharging their functions and can use one of them in the light of the actual situation"; "at meetings convened by the autonomous prefecture, the Tibetan and Chinese languages can be used simultaneously or separately. But at meetings attended primarily by Tibetan speakers, the Tibetan language shall be used with simultaneous interpretation in the Chinese language".

67. It is also stated in the Provisions that "people's courts and the people's procuratorate at various levels in the prefecture shall, in the light of specific needs, use the Tibetan and Chinese languages and alphabets simultaneously or separately in their hearings and prosecutions, in serving legal instruments and in making legal announcements. A translation shall be provided to all parties in the lawsuit"; "State organs at various levels in the prefecture shall use Tibetan when accepting petitions and receiving visiting Tibetan citizens who do not understand the Chinese language"; and "in Tibetan communities, the elementary and middle schools shall provide bilingual education taking into account the language situation and will of the masses".

68. It is further stipulated in the Provisions that "State organs at various levels in the autonomous prefecture shall give due consideration to the development of Tibetan cultural undertakings, enhancing the editing, translation, publication and distribution of newspapers, magazines, audio-visual products, educational material and books in Tibetan, the enrichment of radio, television and films in that language and the encouragement and advocacy of artistic and literary creation in the Tibetan language"; and "the seals and tablets of all organs, groups, schools and enterprises in the prefecture and the signboards of public facilities, as well as plaques, slogans, advertisements, car-door emblems and road signs of significance shall all be displayed in the Tibetan and Chinese languages".

69. According to statistical data, over 10,000 schools across China provide bilingual education in Chinese and the languages of other ethnic minorities. The languages in question total over 60.

70. In a number of places governed by ethnic minorities, by-laws are enacted with a view to encouraging the ethnic minorities to develop the private economy. In 1996, the Regulations on the Development of the Individual and Private Economy in the Autonomous Counties of the Hui and Tu Nationalities in Minhe, approved by Qinghai Province, read: "People's governments in

counties and villages (townships) shall incorporate into the national economic and social development plan the development of the individual and private sectors, protect equal, open and fair competition among various economies and encourage, assist and support those sectors to grow into productive, export-oriented, R & D-based firms and tertiary industries so as to achieve economies of scale"; and "individual industrial or commercial firms and private businesses shall be entitled to benefit from the preferential policy of the province and autonomous county in terms of loans, taxation, utilization of foreign direct investment and land use".

71. In a great number of self-governed places, special regulations are drawn up regarding childbirth, forest management, ecology, the preservation of ethnic culture, etc. For example, in 1998 the Yugur Nationality Autonomous County of Sunan, Gansu Province, laid down Adaptive Regulations on the Implementation of the Rules of Gansu Province on Family Planning; in 1996, the Bouyei and Miao Nationalities Autonomous Prefecture in south-west Guizhou, Guizhou Province, passed Adaptive Regulations on the Implementation of the PRC Law on Forestation; in the same year, the Hani and Yi Nationalities Autonomous Prefecture in Honghe, Yunnan Province, formulated Administrative Rules on the Preservation of the Historical and Cultural Town of Jianshui; in 1998, the Tibetan Autonomous Prefecture of Guoluo, Qinghai Province, adopted Administrative Rules on Wildlife Protection; and in 1997, the Mongolian ethnic minority autonomous prefecture of Bayinguoleng, Xinjiang Province, formulated Regulations on the Protection of Bositeng Lake Basin Water Resources from Contamination.

72. As a result of historical development, various nationalities in China have been living either mingled with, or in small communities separately from, or side by side with their counterparts. Based on this distribution, it has been a tradition in China that minority nationalities are divided into two groups: minorities living in compact communities and minorities living mingled with other nationalities or dispersed across the county. The former minorities live in places enjoying autonomy (autonomous region, prefecture or county) and exercise the right to self-government, whereas the latter fall into the group that does not exercise the right to self-government since they live either outside autonomous areas or inside autonomous areas without the right to minority self-government. According to statistical data from the national census conducted in 1990, the ethnic minority population totalled 91 million, of whom 29 million, or 32 per cent, were living mingled or dispersed.

73. However, China has paid great attention to protecting the equality of those categories of ethnic minorities living mingled or dispersed. Back in 1952, the Central Government promulgated the Decision on Protection of the Equal Rights of Ethnic Minorities Living Mingled or Dispersed. In 1993, the State Council approved and subsequently published Rules concerning Administrative Work in Ethnic Villages and Rules on Ethnic Minorities Living in Cities, whereby it was explicitly stipulated that governments at various levels should safeguard the equal rights of citizens of ethnic minorities living in cities or dispersed in ethnic villages other than their own by assisting them to develop their economic and cultural undertakings. For details, please refer to the previous reports.

74. As of 1996, the Central Government and governments at various levels have been making ever greater efforts to protect those dispersed ethnic groups in terms of legislation and administration.

75. In 1996, Jilin Province adopted Measures for the Implementation of the Regulations on Nationalities' Work in Cities. It is stipulated that the people's governments of places where there is a large number of ethnic minorities, neighbourhood offices of places where there are minority communities, and departments or units producing for or serving ethnic minorities shall be staffed with an appropriate number of cadres from ethnic minorities; the city government shall earmark special subsidies for the education of ethnic minorities in order to upgrade their schooling and teaching quality; departments in charge of news media, radio and television should ensure good publicity for policies, laws and regulations regarding minority nationalities, and strictly forbid any language, wording or graphics discriminating against or humiliating ethnic minorities in violation of the minority policy or hurting the feelings of minorities in various publications, radio broadcasts, films, television programmes, dramas or advertisements, as well as other activities; municipal governments should safeguard the right of minorities to use their own languages and characters (or alphabets) and make great efforts for the translation and publication of works in their languages; and workers and staff members should be given paid holidays by their work units for the celebration of their important national festivals in accordance with the relevant State regulations.

76. In 1996, Heilongjiang Province passed Regulations on Ethnic Minorities' Work in Cities, which specified that ethnic minorities should be represented at the people's congress of a city where there is a relatively large number of them. As for small groups of ethnic minorities, they should be given preferential treatment wherever appropriate; the municipal government should give support to firms run by ethnic minorities living in the city or members of ethnic groups coming to the city from other places to open businesses or to engage in legitimate economic operations through the issuance of licences and selection of production and business operation sites, as well as in supplying power; firms and technical schools in cities should give priority to ethnic minority citizens under similar conditions when they recruit employees or enrol students in cities; and all schools should give preferential treatment, pursuant to the relevant regulations, to candidates from ethnic minorities during student enrolment.

77. In 1996, Jiangsu Province enacted Regulations on Safeguarding the Rights and Interests of Ethnic Minorities and Jiangxi Province also set out Measures on Work among Ethnic Minorities, while the General Office of the government of Hunan Province issued a circular on doing an even better job vis-à-vis ethnic minorities living dispersed. All these local regulations or measures have included specific steps to protect the citizens' rights and the interests of dispersed ethnic groups in the light of local conditions.

78. The same can be said of the municipal governments, which take legislative measures in an active manner to provide greater protection of the rights and interests of dispersed ethnic groups in cities. Beijing, for its part, in the Regulations on Safeguarding the Rights and Interests of Dispersed Ethnic Groups, adopted in 1998, specified that State organs at various levels in Beijing should protect the right of ethnic minorities to take part in managing State affairs, and seek the opinions of the representatives of ethnic groups when shaping important policies and taking decisions involving the ethnic groups, as well as handling crucial issues concerning ethnic minorities. Governments at municipal, district and county level should set aside in their annual budgets special financial resources for assisting ethnic groups in their economic development. Governments at various levels should take steps to give assistance to those ethnic villages whose

average per capita income is lower than those in their districts and counties. They should also pay great attention to promoting ethnic culture and give appropriate financial input in order to protect, explore and preserve the traditional heritage of the ethnic minorities. They should help the ethnic minorities in developing healthy cultural, artistic and sports activities with ethnic characteristics. In addition, they should give assistance to ethnic villages and places where there is a large ethnic community to gradually establish and improve cultural facilities. Guest houses, hotels and other public places are not allowed to turn away citizens of ethnic minorities on the ground of different customs and habits.

79. In 1998, Harbin drew up its Regulations on Safeguarding the Rights and Interests of Ethnic Minorities in Harbin. It is stipulated, inter alia, that State organs at various levels in that city should attach importance to the training, selection and use of cadres of ethnic minorities, thereby guaranteeing that the number of such cadres is commensurate with their population. It was further mentioned that during recruitment of civil servants from within society, the State organs should adopt a "first among equals" policy towards candidates of ethnic groups. As regards religion, no organization or individual is allowed to compel citizens of ethnic minorities to worship or not to worship, or to discriminate against citizens of ethnic minorities who worship or do not worship. Furthermore, the right of ethnic minorities to pursue their economic development, culture and education, as well as the right to observe their own customs and habits are also specifically provided for in the Regulations.

80. With a view to safeguarding ethnic rights and interests, some cities assist their ethnic minorities to overcome practical difficulties and develop a variety of effective approaches. For example, the Commission for Ethnic Affairs in Wuhan has set up 21 contact points in this tri-city area for ethnic minorities coming from out of the town and has printed thousands of contact cards with telephone numbers of the Commission, thereby creating a mechanism of contact with ethnic groups from places other than Wuhan. According to incomplete data, those 21 contact points have resolved 3,000 cases involving admittance of children to schools or kindergartens, processing of temporary residence permits and assistance with shop fronts.

81. The Chinese Government attaches great importance to the pursuit of literary and artistic undertakings on the part of ethnic minorities and is taking a host of measures to train those talents. Currently, there are 24 high and middle art schools specialized in such human resources development in China. Several well-known art academies in Beijing and Shanghai open training courses and establish special programmes on an ad hoc basis to train talented personnel for ethnic minorities and ethnic areas. According to statistics, in 1999 alone there were 58 troupes or ensembles with 3,711 performers, 534 performing art groups with 21,573 performers, and 194 performing art centres having 3,594 staff members in ethnic autonomous areas.

82. Currently, all 55 minority nationalities in China have their own writers. Not a few ethnic minorities have created their own writers' associations. In China's Writers' Association, there are more than 600 writers of ethnic minorities, accounting for 11.1 per cent of all members. In addition, there are over 5,000 writers of ethnic minorities in the writers' associations of various provinces, autonomous regions and municipalities directly under the Central Government.

83. For the purpose of boosting literate and artistic creation devoted to ethnic minorities, the departments concerned in the Central Government have specially instituted the "Fine Horse Award" and "Peacock Award" for selected creations of art and literature on ethnic minorities. The former is intended for outstanding films, television programmes and literature describing the lives of the ethnic minorities, while the latter is for drama, vocal music and dances highlighting the ethnic minorities.

84. The "Fine Horse Award" for the best films depicting ethnic minorities was instituted jointly by the State Ethnic Affairs Commission, the General Administration for Radio, Film and Television, the Ministry for Culture and China's Association for Literature and Art. Established in 1994, it is given every four years, and so far two award ceremonies have taken place with 90 creations honoured.

85. The "Fine Horse Award" for television art dedicated to ethnic minorities was sponsored in 1986. Seven biennial ceremonies have been held since then and 335 artistic works have received awards.

86. The namesake award for literature was established jointly by China's Writers' Association and the State Ethnic Affairs Commission in 1981. At five ceremonies held to date, 484 literary creations were given prizes.

87. The "Peacock Award" contest for the best drama plays is a joint endeavour of the Ministry of Culture, China's Drama Association and China's Ethnic Drama Association. Established in 1985, it is a once-every-three-year affair and has been held five times, giving awards to 245 creations.

88. The nationwide ethnic minorities' dancing competition for the above award is a brain-child of the Ministry of Culture and the State Ethnic Affairs Commission. To date, it has been held twice resulting in 90 dancers receiving awards for their performances, 123 persons for choreography and 47 persons for signature songs.

89. China's ethnic vocal music contest for the "Peacock Award" sponsored by the Ministry of Culture, the State Ethnic Affairs Commission and the General Administration for Radio, Film and Television has been conducted twice, with 72 singers being awarded various prizes.

90. With a view to protecting the traditional cultural heritage of ethnic minorities, the Government devotes much attention to the collection, collation and publication of ancient books written by ethnic minorities. At the second national working session on ancient ethnic books held in May 1996, it was decided that a large reference book entitled *China's Ancient Ethnic Book Catalogue* would be compiled in the course of the ninth Five-Year Plan or thereafter. A total of 55 volumes are contemplated by the year 2008. At present, the editing and compiling work is in full swing.

91. In 1998, the All-China Ancient Ethnic Book Compilation Research Office decided to take on the responsibility of compiling the *Collected Documentation of China's Ethnic Minorities*. The publication will include 2,500-3,000 documents and papers compiled in 70 volumes.

92. According to incomplete statistical data, China has salvaged and collected 120,000 volumes or copies of ancient ethnic books and has compiled 110,000 volumes or copies since 1984.

93. China gives priority to the preservation of historical and cultural relics of ethnic minorities. In 1998, a second working-level meeting on cultural relics was convened jointly by China's Historical and Cultural Relic Bureau and the State Ethnic Affairs Commission, where it was decided that further efforts were needed to preserve cultural and historical relics of ethnic minorities. As a result, both the State and ethnic regions have gradually committed increasingly large amounts of financial resources to this end. In 1997, for instance, the State Historical and Cultural Relic Bureau alone earmarked 27.23 million yuan for 91 projects in ethnic regions.

94. Statistics for 1998 indicate that in China's ethnic autonomous areas 430 organs in charge of protecting historical and cultural relics were set up and staffed by 2,474 persons, and 155 museums were established with 2,344 curators.

95. China takes great care of the traditional therapies and pharmacology of ethnic minorities. Hospitals intended for ethnic minorities increased in number from 76 in 1984 to 121 in 1996, of which 45 are Tibetan, 40 Mongolian and 21 Uygur hospitals, and there are 14 hospitals for other ethnic minorities. Many of them have nearly the same number of patients as others at the same level, thus acquiring the capacity for self-development. The number of Tibetan patients in the Tibetan Autonomous Region amounts to 40 per cent of all patients in the region. Despite the fact that Mongolian doctors account for a relatively insignificant percentage of all medical personnel in the Balinyou Autonomous Banner in Inner Mongolia, patient visits are around 30-40 per cent of visits by all patients in the banner. Minority-specific medications are more popular in the grass-roots agricultural and pastoral areas. Tibetan physicians in the majority of TAR counties on average have more patients than doctors practising Western medicine. In Tibet, Inner Mongolia, Xinjiang and Qinghai, colleges and hospitals dedicated to Tibetan, Mongolian and Uygur medicine as well as middle-level medical education institutes have come into being. Institutes specialized in research on ethnic medicines and therapies have also been set up in scores of provinces, including Tibet, Inner Mongolia, Xinjiang, Yunan and Liaoning, and are making considerable contributions to the promotion of their respective minority nationalities.

96. The Chinese Government has made a point of sponsoring traditional games of ethnic minorities as an essential step to protect, pass down and publicize the traditional ethnic culture and enhance the physical constitution and health of ethnic minorities. In September 1999, the large-scale sixth traditional ethnic sports meet was held in Beijing and Lhasa (Tibet) alternately. Over 6,000 sportsmen and sportswomen from 56 nationalities country-wide tested their strength and competed in 13 disciplines, exhibiting their skills in over 100 events. Prior to that, traditional ethnic sports meets had taken place in various provinces, autonomous regions and municipalities directly under the Central Government.

97. The Chinese Government has, as always, respected and protected the right of all citizens, including those of the ethnic minorities, to free choice of their religious beliefs, and has pursued a policy of freedom of worship and strived to ensure it by way of legislation. In recent years, the Government has adopted effective measures to provide for the religious activities of various

minority nationalities.. In the case of Islam, for instance, there are 32,000 mosques currently open to the public, over 40,000 religious persons such as ahungs, mullahs, and approximately the same number of manlas and apprentices. Muslims making pilgrimages to Mecca are provided with the necessary assistance and services by the Government. Besides, the Government respects the customs and habits of all religious peoples by codifying criteria for producing Muslim food and enacting laws as well as setting aside land for Muslim cemeteries. Furthermore, the Government exempts places of worship from land tax. In accordance with the law, it takes up cases involving publications that seriously hurt the religious feelings of Muslims in order to protect their legitimate rights and interests.

98. The overwhelming majority of Tibetans believe in Lamaism. Under the protection of the Constitution and relevant laws, they enjoy full freedom to pursue normal religious activities. Currently, there are 1,787 Lamaist facilities in Tibet with over 46,000 monks and nuns residing in monasteries. All worshippers have scripture-chanting rooms or shrines in their homes. Each year sees hundreds of thousands of devout believers making pilgrimages to Lhasa. One can see religious men and women everywhere in Lhasa swinging their scripture wheels and walking around piles of mani stones inscribed with scripture. Inside and outside the temples, and the famous Jokhang Temple in particular, there are crowds of believers kowtowing, walking round a hill carved with images of Buddha and praying to them. Since the 1980s, the State has been allocating money, silver and gold each year for the upkeep, repair, renovation and preservation of Tibetan temples and monasteries. To date, over 1,400 temples and monasteries have been repaired, renovated and opened to the public. As of 1997, the State had spent more than 300 million yuan for that purpose. The consecutive publishing of *Tripitaka · Bstang'gyur* and a great number of other Lamaist religious books, including *Bak'-'gyur*, in the Tibetan language have satisfied the needs of monks, nuns and believers concerning religious rites.

99. The Government of China has always placed emphasis on the need to safeguard the rights and interests of the women of ethnic minorities. According to Chinese law, women enjoy the same position in the political, economic, cultural and social fields and in family life as men. In 1992, China promulgated the Law on Safeguarding Women's Rights and Interests.

100. The Law on Mother and Child Health Care is a legal instrument which was enacted by the Standing Committee of the National People's Congress in 1994 with a view to safeguarding the health and well-being of mothers and children as well as improving the demographic situation. The Law went into effect as of 1 June 1995.

101. The Law consists of 7 chapters and 39 articles. It is stipulated, inter alia, that the medical and health-care organs should give citizens, prior to their marriage, health guidance and pre-marital advice, conduct physical check-ups and provide health care. Medical and health-care organs should render the following services to women of child-bearing age, pregnant women and lying-in women: instructions on health care for mothers and infants, health care of pregnant and lying-in women, health care of the foetus and new-born baby and health care in the antenatal period.

102. Furthermore, it is stipulated that "the State shall give support and assistance for the health care of mothers and infants in border, remote and poor regions" (art. 2) and "the people's governments of provinces, autonomous regions and municipalities directly under the Central

Government shall set reasonable prices for antenatal medical check-ups, and reduce the price for or offer free services to disadvantaged people in border, remote or poor regions" (art. 13). As a great number of ethnic minorities in China inhabit border, remote or poor regions, these provisions constitute legal grounds for safeguarding the rights and interests of women and children in ethnic minority regions.

103. Family planning is a basic State policy in China and a special family planning policy is pursued for ethnic minorities. In most regions inhabited by ethnic minorities two or three children are allowed. As regards ethnic minorities in agricultural and pastoral areas of Tibet, no restrictions are placed on the number of babies. In ethnic minority regions, emphasis is placed on the need to combine family planning and reproductive health care. The technical assistance offered for family planning is focused more on people-friendly service at grass-roots level and outreach to the village. As of the end of 1998, in eight province-level autonomous regions (Inner Mongolia, Guangxi, Yunan, Gansu, Qinghai, Ningxia, Xinjiang and Tibet), the same number of family planning technical guidance offices were set up at province or autonomous region level having a staff of 300 persons, 587 offices at county/city level staffed by 10,100 persons and 3,661 offices at village and township level employing 14,644 persons. In pursuit of family planning objectives, the Tibetan government ensures full respect for the cultural tradition, ethical values, religious faith and customs of the Tibetan nationality. The current family planning policy is shaped taking into account the specific conditions prevailing in Tibet and on the basis of the will of the Tibetans. In day-to-day family planning work, the three principles of awareness raising and education, quality service and voluntary choice are upheld.

Article 6

104. Since 1996, China has continued to build up its legislation. In March 1999, the existing Constitution was amended by the second session of the Ninth National People's Congress. The principle that "the country shall be ruled by law and a legal state of socialism is to be in place" was incorporated into the Constitution, thereby making the rule of law one of the principles of the Constitution. Successive improvements in law enforcement have laid a solid foundation for safeguarding the rights of minority nationalities pursuant to the law.

105. Amendments and revisions of the Criminal Law in 1997 have increased the number of provisions from 192 to 452 - an addition of 260 provisions. The Criminal Law, as amended and revised, has further highlighted the three basic principles of prescribed punishment for a specific crime, equality in law and punishment commensurate with crime. These three principles have further enhanced China's legal system and go a long way to ensuring fair law enforcement and protection of the legitimate rights of parties of all nationalities in legal proceedings.

106. In 1996, substantial amendments and revisions were made to the Criminal Procedure Law enacted in 1979, which improved criminal proceedings and increased the provisions regarding the protection of civil rights. In the first place, the innocent are protected against criminal prosecution in a more specific way. The Law reads: "No one shall be found guilty until convicted by a people's court in conformity with the law". Cases against defendants where there is inadequate incriminating evidence should be regarded by the people's court as ill-founded accusations and be given the "not guilty" verdict. Second, the practice of detaining someone for interrogation as a compulsory administrative measure has been abolished. Third, lawyers are in

a position to become more involved in cases. It is provided that "the suspect can retain a lawyer to give him or her legal advice, to complain or accuse on his or her behalf after the first interrogation by the investigating organ or as of the date of a compulsory measure", and "the suspect has the right to appoint defence counsel from the date of referral of his or her case to the examining and indictment organs". Fourth, the rights of the victim are afforded more protection, i.e., the victim is treated as the party in question and is given certain rights of prosecution, the right to claim assistance with filing a case, the right to challenge, authorization to litigate, the right to protest against a court judgement and the right to litigious action in the course of trial proceedings. In recent years, courts at various levels in China have been pursuing the practice of an open trial and enhancing the supervision of society and monitoring by public opinion. A case at first instance should in principle be heard and tried in an open court unless otherwise stipulated by law. The trial of a case at second instance is also being made gradually accessible to the public. Whether the trial of the case is open or not, the final verdict will be handed down in a court attended by the public. At an open trial, evidence is produced and the challenge and legalization of the evidence as well as debates in court are conducted, thereby helping the court to pass judgement. Cases of particular importance are televised or broadcast live. In March 1999, the Supreme Court promulgated Regulations regarding the Strict Enforcement of an Open Trial Procedure, whereby it clearly defined the nature of cases to be put on open trial, and highlighted the need to be open to the public throughout the trial. Further refinement of this open trial mechanism will no doubt go a long way towards protecting the rights and interests of citizens of all nationalities, including citizens of minority nationalities.

107. In May 1996, the Standing Committee of the National People's Congress enacted the Law on Lawyers and Attorneys. In recent years, the number of lawyers and attorneys has been on the increase and this has become an indispensable force in safeguarding the legitimate rights and interests of citizens of all nationalities. The statistics indicate that the number of law firms rose from 79 in 1979 to over 8,600 in 1998, and the number of lawyers increased from 212 to more than 100,000.

108. In March 1996, the Eighth National People's Congress passed the Law on Administrative Sanctions, which standardized definitions and implementation measures, thus affording protection and supervising the administrative organs in the carrying out of their administrative management. The Law plays a meaningful role in protecting the legitimate rights and interests of citizens of all nationalities, legal persons and other organizations. It provides that citizens, legal persons and other organizations have the right to state their grievances and to seek exculpation of administrative penalties. Those who refuse to accept an administrative sanction or penalty have the right to request a reconsideration of their cases or to bring legal proceedings against the administrative organs in accordance with the law. Those who become aggrieved parties as a consequence of administrative sanctions or penalties in violation of the law have the right to ask for compensation pursuant to the law. In April 1999, the Standing Committee of the Ninth National People's Congress adopted the Law of the People's Republic of China on Administrative Review. Under the Law, citizens of all nationalities, legal persons or other organizations can request the administrative organs to reconsider their cases or take legal action against them in line with the Law on Administrative Litigation should they think that the behaviour of the administrative unit or individual in question has infringed their legitimate rights and interests.

109. Prisoners of all nationalities in Chinese prisons are given equal treatment in terms of the enforcement of verdicts, reform through labour and medical care. As regards dietary arrangements, special consideration is given to the customs and habits of ethnic minorities in prison. Arrangements are also made for cultural, educational and recreational activities in the light of the characteristics of the places where the prison is located. For example, on the occasion of the Tibetan New Year each year, in all prisons under the jurisdiction of the Tibetan Autonomous Region, festive celebrations including singing, dancing and improved diet are arranged for Tibetan prisoners taking into account the traditional practices of the Tibetan nationalities. This practice is quite popular with Tibetan prisoners. Prisoners of other ethnic minorities in autonomous regions or areas are entitled to similar treatment during their festivals.

Article 7

110. The Government of China has always paid attention to promoting the idea of equality and unity among all nationalities in the fields of education and the news media. Safeguarding the socialist relationship of equality, unity and mutual assistance is advocated in China's Constitution as an important principle and all nationalities are called on to abide by this principle.

111. In school education or cadre training courses, education on ethnic policy and ethnic unity are essential components. The Xinjiang Autonomous Region, Inner Mongolia Autonomous Region and provinces such as Jiangxi, Hubei and Sichuan have all compiled special teaching materials about existing ethnic policy and ethnic unity education. China's Ministry of Education and Ministry of Justice as well as other departments arrange for experts to compile nationwide teaching material concerning policies and laws on minority nationalities, including teaching courses on theories relating to ethnic minorities and relevant policies as well as laws on regional autonomy.

112. The Government of China is carrying out its third five-year programme (1996 to 2000) to raise legal awareness among its citizens. A notice of the State Ethnic Affairs Commission on organizing and implementing the Third Five-Year Programme of Legal System Awareness Education was issued in 1996, in which the whole nation was called upon to publicize and study the laws on minority nationalities in various forms.

113. Local governments at different levels take an active part in giving publicity to laws and regulations as well as policies on ethnic minorities in various forms, thereby promoting mutual understanding and respect, unity and harmony among citizens of various nationalities in the localities concerned. For example, in 1998, the Inner Mongolia Autonomous Region's Commission for Ethnic Affairs made use of the Inner Mongolian Daily to launch a quiz on laws and regulations as well as policy on the Mongolian language. Shandong Province organized a training course on administrative law enforcement by departments in charge of nationalities and religions across the province and the people's broadcasting station of Shandong featured a series of interviews about policy on ethnic minorities and relevant laws and regulations with a view to providing the audience both inside and outside the province with the relevant knowledge. In September, Qinghai Province unfolded a province-wide month of awareness about policies concerning ethnic minorities and religions.

114. The Government also encourages the publication of works with reference to the principles and experience in human rights protection for ethnic minorities. The year 1997 saw the appearance of *Facts on the Human Rights of Chinese Ethnic Minorities* by the Beijing University Press. In 1998, another book entitled *Equality, Autonomy and Development - Human Rights Protection of Chinese Ethnic Minorities* was published by the Xinhua Publishing House. Both books included the full texts of the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Prevention and Punishment of the Crime of Genocide in their annexes.

115. The Central Government and local governments at various levels give awards to units and individuals in recognition of their outstanding contributions to the promotion of unity among minority nationalities and the implementation of nationality policy as well as related laws and regulations. In 1997 and 1998, the State Ethnic Affairs Commission and governments of various provinces, autonomous regions and municipalities directly under the Central Government jointly sponsored a function to commend the respective units and individuals for the promotion of unity and progress among nationalities. There were 1,429 commendations, of which 718 were for model groups and 711 for model individuals.

116. In October 1999, the State Council commended units and individuals nationwide that had made distinguished contributions to strengthening national unity and progress and conferred the title of Nationwide Model Group for the Promotion of National Unity and Progress to 626 collectives and the title of Nationwide Model Individual for the Promotion of National Unity and Progress to 628 individuals. By such recognition, the Government has further helped create a good social practice characterized by the self-conscious safeguarding of unity and harmony among various nationalities, as well as mutual assistance throughout China.

- - - - -